

Exhibit G
Deposition of Taz Burch

FREEDOM COURT REPORTING

1	3
1 IN THE UNITED STATES DISTRICT COURT	1 INDEX
2 FOR THE NORTHER DISTRICT OF ALABAMA	2 EXAMINATION BY: PAGE NUMBER:
3 SOUTHERN DIVISION	3 Mr. Willford 6
4	4 Mr. Piazza 49
5 CASE NUMBER: 2:06-CV-0331-KOB	5 Mr. Willford 59
6 TOMMY BARRON; et al.,	6 Mr. Piazza 69
7 Plaintiffs,	7
8 vs.	8 EXHIBITS
9 DERANE INGLE; et al.,	9 DEFENDANT'S EXHIBITS: PAGE NUMBER:
10 Defendants.	10 1 - 10-26-04 Transcript
11	11 Before Civil Service
12 STIPULATION	12 Board of Walker County 29
13 IT IS STIPULATED AND AGREED by	13
14 and between the parties through their	14 PLAINTIFF'S EXHIBITS:
15 respective counsel that the deposition of	15 37 - Warrant 49
16 TAZ DAYS BURCH may be taken before Tanya D.	16 38 - Complaint for Criminal
17 Cornelius, Certified Shorthand Reporter and	17 Trespass 49
18 Notary Public, at Freedom Court Reporting,	18 73 - Order 52
19 367 Valley Avenue, Birmingham, Alabama	19
20 35209, on the 10th day of July, 2008.	20
21 IT IS FURTHER STIPULATED AND	21
22 AGREED that the signature to and the	22
23 reading of the deposition by the witness is	23
2	4
1 waived, the deposition to have the same	1 APPEARANCES
2 force and effect as if full compliance had	2
3 been had with all laws and rules of Court	3 FOR THE PLAINTIFF:
4 relating to the taking of depositions.	4 PIAZZA LAW OFFICE, PC
5 IT IS FURTHER STIPULATED AND	5 BY Mr. Anthony J. Piazza
6 AGREED that it shall not be necessary for	6 1030 16th Avenue South
7 any objections to be made by counsel to any	7 Birmingham, Alabama 35205
8 questions, except as to form or leading	8
9 questions, and that counsel for the parties	9 FOR THE DEFENDANT:
10 may make objections and assign grounds at	10 WEBB & ELEY, PC
11 the time of the trial, or at the time said	11 BY Mr. Gary L. Willford, Jr.
12 deposition is offered in evidence, or prior	12 7475 Halcyon Pointe Drive
13 thereto.	13 Montgomery, Alabama 36117
14 IT IS FURTHER STIPULATED AND	14
15 AGREED that notice of filing of the	15 ALSO PRESENT:
16 deposition by the Commissioner is waived.	16 Ms. Patricia Wilkerson
17	17
18	18
19	19
20	20
21	21
22	22
23	23

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<p style="text-align: right;">5</p> <p>1 I, Tanya D. Cornelius, 2 Certified Shorthand Reporter and Notary 3 Public, acting as Commissioner, certify 4 that on this date, as provided by the 5 Federal Rules of Civil Procedure, and the 6 foregoing stipulation of counsel, there 7 came before me at Freedom Court Reporting, 8 367 Valley Avenue, Birmingham, Alabama 9 35209, beginning at 9:00 a.m., TAZ DAYS 10 BURCH, witness in the above cause, for oral 11 examination, whereupon the following 12 proceedings were had: 13 14 15 TAZ DAYS BURCH, 16 being first duly sworn, was 17 examined and testified as follows: 18 19 COURT REPORTER: Will this be 10:15:2120 usual stipulations? 10:15:2121 MR. WILLFORD: Yes, ma'am. 10:15:2322 MR. PIAZZA: Yes. 10:15:2323</p>	<p style="text-align: right;">7</p> <p>10:15:57 1 Q. Okay. Have you ever given one 10:15:58 2 in a situation kind of like we're in here 10:16:01 3 today where you were in the room with a 10:16:03 4 court reporter and maybe another attorney 10:16:05 5 or a couple of attorneys asking you 10:16:08 6 questions? 10:16:08 7 A. No, sir, this all right here is 10:16:10 8 brand new. 10:16:10 9 Q. Okay. That's what I was kind of 10:16:11 10 trying to get at. This is going to be 10:16:13 11 pretty short today because, like you said, 10:16:14 12 you've already given testimony in this case 10:16:16 13 before, and we're pretty much going to 10:16:18 14 accept that. We're going to talk about 10:16:20 15 that a little bit and talk about a couple 10:16:22 16 of other small things, but before we get 10:16:24 17 into all that I just want to cover a couple 10:16:26 18 of ground rules with you as we go through 10:16:28 19 today. 10:16:29 20 What I need to do is, because 10:16:30 21 this court reporter here is taking down 10:16:32 22 word for word everything that we're saying, 10:16:35 23 I need to get you to give me verbal</p>
<p style="text-align: right;">6</p> <p>10:15:23 1 EXAMINATION 10:15:24 2 BY MR. WILLFORD: 10:15:24 3 Q. Would you please state your name 10:15:25 4 for the record, sir? 10:15:26 5 A. Taz Days Burch. 10:15:29 6 Q. Where do you live, Mr. Burch? 10:15:31 7 A. 2651 Leonards Chappel Road. 10:15:34 8 Q. You're the plaintiff in this 10:15:36 9 case? 10:15:36 10 A. 35549, zip code. 10:15:38 11 Q. Are you the plaintiff in this 10:15:40 12 case? 10:15:40 13 A. Yes, sir. 10:15:40 14 Q. Have you ever given a deposition 10:15:41 15 before? 10:15:42 16 A. Yes, sir. 10:15:42 17 Q. You have? When have you given a 10:15:44 18 deposition previously? 10:15:46 19 A. At Walker County Courthouse. 10:15:49 20 Q. Are you talking about the board 10:15:51 21 hearing that we went through on this 10:15:55 22 particular case? 10:15:56 23 A. Civil Service Board.</p>	<p style="text-align: right;">8</p> <p>10:16:37 1 responses to my questions, okay? 10:16:41 2 A. Yes. 10:16:41 3 Q. You're sitting there kind of 10:16:43 4 nodding your head right now like we do in 10:16:45 5 normal conversation. She can't get that 10:16:47 6 down. 10:16:47 7 A. Okay. 10:16:48 8 Q. Just like you're doing right 10:16:49 9 now, if I ask you a question, "okay," 10:16:50 10 "yes," "no," whatever the answer might be, 10:16:52 11 all right? 10:16:52 12 A. All right. 10:16:53 13 Q. The other thing that we need to 10:16:54 14 try to do is not talk over top of one 10:16:57 15 another. That's another thing that's 10:16:59 16 difficult for her to get down. So if you 10:17:01 17 would just wait for me to finish my 10:17:03 18 question and then answer, it makes it 10:17:07 19 better on the record and makes it easier on 10:17:09 20 our court reporter here, okay? 10:17:10 21 A. Understood. 10:17:11 22 Q. If at any time, and I do have a 10:17:13 23 tendency to ramble sometimes, if I ask a</p>

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<p style="text-align: right;">9</p> <p>10:17:16 1 bad question that you don't understand, 10:17:18 2 feel free to stop me and say, "I don't 10:17:19 3 understand the question," and ask me to 10:17:21 4 rephrase it and I'll be happy to do that 10:17:24 5 for you. Is that fair? 10:17:24 6 A. All right. 10:17:25 7 Q. It's not an interrogation. If 10:17:27 8 you need to take a break at any time, need 10:17:29 9 to talk to your attorney, who is here with 10:17:31 10 us, let me know and we can stop and do 10:17:34 11 that. I do think we're going to be out of 10:17:36 12 here pretty quickly, though, so hopefully 10:17:38 13 that won't be necessary, but if you feel 10:17:41 14 the need to do that, that's fine. Okay? 10:17:46 15 A. Yes. 10:17:47 16 Q. All right. Did you review any 10:17:47 17 documents in preparing for your deposition 10:17:47 18 today? 10:17:47 19 A. Yes, sir. 10:17:47 20 Q. What did you review? 10:17:48 21 A. I reviewed the transcript. 10:17:52 22 Q. Okay. Anything else besides the 10:17:54 23 transcript?</p>	<p style="text-align: right;">11</p> <p>10:19:02 1 A. Yes, sir. 10:19:02 2 Q. When was the last time you 10:19:04 3 worked? 10:19:06 4 A. June 11th, 1991. 10:19:12 5 Q. Are you disabled? 10:19:14 6 A. Yes, sir. 10:19:15 7 Q. And why are you disabled? What 10:19:17 8 caused you to be disabled? 10:19:19 9 A. Two major back surgeries, a 10:19:35 10 heart attack and this here (indicating). 10:19:35 11 Q. You're showing us your right 10:19:35 12 arm? 10:19:39 13 A. It liked to have got cut off. 10:19:41 14 Q. And all of that happened prior 10:19:43 15 to 1991? 10:19:43 16 A. (Witness nods head.) 10:19:44 17 Q. Is that a yes? 10:19:45 18 A. That's a yes. 10:19:49 19 Q. Before you had all these medical 10:19:51 20 problems, what kind of work did you do? 10:19:54 21 A. Worked in mobile home plants, 10:19:57 22 trailer plants. 10:20:03 23 Q. All right. One of the things we</p>
<p style="text-align: right;">10</p> <p>10:17:58 1 A. Yeah, a couple of few pages in 10:18:04 2 the front separate from it, about six 10:18:07 3 pages. 10:18:08 4 Q. What were those pages? 10:18:11 5 A. Them pages there, I don't know 10:18:13 6 what you would call them. 10:18:16 7 Q. Do you have them with you here 10:18:17 8 today? 10:18:18 9 A. They are in there. 10:18:19 10 MR. PIAZZA: He's talking about 10:18:21 11 these exhibits I'm going to show him. 10:18:23 12 MR. WILLFORD: Can I take a look 10:18:24 13 at those real quick? 10:18:25 14 MR. PIAZZA: Yeah. 10:18:46 15 Q. Anything else besides the 10:18:48 16 transcripts and those documents that your 10:18:50 17 attorney has just handed me that you looked 10:18:53 18 at? 10:18:53 19 A. No. 10:18:54 20 Q. Okay. Are you working 10:18:58 21 currently, Mr. Burch? 10:18:59 22 A. No, sir. 10:19:00 23 Q. Have you ever worked?</p>	<p style="text-align: right;">12</p> <p>10:20:10 1 were talking about before we got started 10:20:12 2 here today, and your attorney and I talked 10:20:13 3 about a little bit, was a list of your 10:20:16 4 relatives who live in the jurisdiction of 10:20:19 5 the northern district of Alabama. Were you 10:20:22 6 able to prepare that list for me? 10:20:24 7 A. No. 10:20:25 8 Q. Okay. Let me ask you just some 10:20:29 9 questions, then, about that. What I'm 10:20:32 10 looking for are any relatives that you have 10:20:34 11 of voting age. I'm not talking about 10:20:37 12 children, but people who can vote that live 10:20:40 13 in the northern district of Alabama, and 10:20:42 14 those are counties like Walker and 10:20:44 15 Jefferson, Shelby, basically every county 10:20:47 16 north of that in Alabama is in the northern 10:20:51 17 district. 10:20:51 18 A. In other words, you want me to 10:20:52 19 tell you who they are? 10:20:53 20 Q. Yes, sir, that's what I'm going 10:20:55 21 to be asking. 10:20:55 22 A. All right. I've got a sister 10:20:57 23 named Sherry Davis.</p>

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<p>10:21:00 1 MR. PIAZZA: Give him a chance</p> <p>10:21:01 2 to write it down.</p> <p>10:21:02 3 Q. All right.</p> <p>10:21:04 4 A. I've got another sister named</p> <p>10:21:07 5 Nelda Nelson.</p> <p>10:21:08 6 Q. Nelda Nelson?</p> <p>10:21:09 7 A. Yes, sir.</p> <p>10:21:12 8 Q. Okay.</p> <p>10:21:15 9 A. I've got me, and then I've got</p> <p>10:21:20 10 my brother, Allen Gene Barron, and another</p> <p>10:21:29 11 brother.</p> <p>10:21:29 12 Q. What's the other brother's name?</p> <p>10:21:31 13 A. Gerald Burnell -- John Gerald</p> <p>10:21:37 14 Burnell.</p> <p>10:21:37 15 Q. Is Burnell his middle name?</p> <p>10:21:41 16 A. Yeah.</p> <p>10:21:41 17 Q. His last name is Barron?</p> <p>10:21:43 18 A. Burnell.</p> <p>10:21:44 19 Q. His last name is Burnell?</p> <p>10:21:52 20 A. (Witness nods head.)</p> <p>10:21:52 21 Q. Okay. Is Sherry Davis married?</p> <p>10:21:52 22 A. On Jerry, his former name was</p> <p>10:21:58 23 Jerry Barron.</p>	<p>10:22:39 1 You're going to have to open your mouth and</p> <p>10:22:41 2 answer. You can't shake your head, okay,</p> <p>10:22:45 3 because she needs to hear your answer. All</p> <p>10:22:48 4 right? Remember, provide an answer.</p> <p>10:22:51 5 THE WITNESS: I've got you.</p> <p>10:22:52 6 Q. I let you get away with it, so</p> <p>10:22:55 7 that's my fault.</p> <p>10:22:56 8 MR. PIAZZA: I'm not going to</p> <p>10:22:57 9 let him get away with it.</p> <p>10:23:00 10 Q. Okay. So I think I understand</p> <p>10:23:01 11 it. Jerry has children, but they don't</p> <p>10:23:03 12 live in Alabama; is that right?</p> <p>10:23:04 13 A. Correct.</p> <p>10:23:04 14 Q. Let's go back to Sherry Davis.</p> <p>10:23:07 15 Is she married?</p> <p>10:23:08 16 A. Yes.</p> <p>10:23:08 17 Q. What is her husband's name?</p> <p>10:23:09 18 A. David Davis.</p> <p>10:23:12 19 Q. Now, do David and Sherry have</p> <p>10:23:14 20 any adult children living in Alabama?</p> <p>10:23:20 21 A. Yes.</p> <p>10:23:21 22 Q. Okay. And what are their names?</p> <p>10:23:24 23 A. Melinda and Timmy.</p>
14	16
<p>10:22:04 1 Q. Are you talking about Gerald</p> <p>10:22:04 2 Burnell?</p> <p>10:22:06 3 MS. WILKERSON: He's in a</p> <p>10:22:10 4 nursing home permanently disabled. He's</p> <p>10:22:13 5 not necessary.</p> <p>10:22:14 6 Q. He's not married?</p> <p>10:22:16 7 MS. WILKERSON: No.</p> <p>10:22:18 8 MR. WILLFORD: Let Mr. Burch</p> <p>10:22:19 9 answer. Your turn is coming. I promise.</p> <p>10:22:21 10 A. He ain't able to do no jury at</p> <p>10:22:24 11 all.</p> <p>10:22:25 12 Q. I understand. Does Jerry have</p> <p>10:22:27 13 any children? Has he ever had any</p> <p>10:22:30 14 children?</p> <p>10:22:30 15 A. (Witness nods head.)</p> <p>10:22:31 16 Q. Are any of those adult children</p> <p>10:22:32 17 of voting age?</p> <p>10:22:33 18 A. (Witness nods head.)</p> <p>10:22:33 19 Q. What are their names?</p> <p>10:22:33 20 MR. PIAZZA: You're going to</p> <p>10:22:33 21 have to --</p> <p>10:22:36 22 MS. WILKERSON: Not in Alabama.</p> <p>10:22:37 23 MR. PIAZZA: Don't, Patsy.</p>	<p>10:23:29 1 Q. Tibby?</p> <p>10:23:31 2 A. Timmy Davis.</p> <p>10:23:34 3 Q. Are both of them Davises,</p> <p>10:23:37 4 Melinda and Timmy?</p> <p>10:23:39 5 A. Yeah.</p> <p>10:23:39 6 Q. So Melinda is not married?</p> <p>10:23:41 7 A. Yes, sir.</p> <p>10:23:42 8 Q. She's not married?</p> <p>10:23:43 9 A. Yeah, she's married, Melinda is.</p> <p>10:23:46 10 Q. Melinda is married? So she kept</p> <p>10:23:47 11 her maiden name or she married a Davis?</p> <p>10:23:51 12 A. She kept her maiden name. I</p> <p>10:23:54 13 don't even know what the fellow's last name</p> <p>10:23:56 14 is that she married, to tell you the truth.</p> <p>10:23:58 15 Q. Do you know what his first name</p> <p>10:23:59 16 is, the fellow she married?</p> <p>10:24:01 17 A. No.</p> <p>10:24:05 18 Q. All right. Nelda, is she</p> <p>10:24:08 19 married?</p> <p>10:24:09 20 A. Yes, sir.</p> <p>10:24:10 21 Q. What's her husband's name?</p> <p>10:24:12 22 A. Nelson.</p> <p>10:24:14 23 Q. Nelson Nelson? What's his first</p>

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<p>10:24:19 1 name?</p> <p>10:24:21 2 A. Rephrase that.</p> <p>10:24:22 3 Q. Yes, sir. What is Nelda's</p> <p>10:24:24 4 husband's first name?</p> <p>10:24:25 5 A. Willie Nelson.</p> <p>10:24:29 6 Q. Not the singer?</p> <p>10:24:30 7 A. No. That's Derane's stepfather,</p> <p>10:24:36 8 father-in-law.</p> <p>10:24:40 9 Q. Oh, okay. So your sister is</p> <p>10:24:42 10 married to Derane's father-in-law?</p> <p>10:24:47 11 A. (Witness nods head.)</p> <p>10:24:48 12 Q. You're nodding north and south.</p> <p>10:24:50 13 Is that a yes?</p> <p>10:24:50 14 A. Yeah, he's married to -- my</p> <p>10:24:53 15 sister is married to Willie Nelson, which</p> <p>10:24:58 16 Willie Nelson's brother is Sam Nelson.</p> <p>10:25:01 17 Q. Okay. And Sam was the one that</p> <p>10:25:03 18 you had problems with; is that right?</p> <p>10:25:04 19 A. Sandra. And Sam, I didn't have</p> <p>10:25:17 20 much trouble out of Sam, but it was Sandra.</p> <p>10:25:17 21 Sandra.</p> <p>10:25:17 22 Q. Okay. I got you. All right.</p> <p>10:25:19 23 Willie and Nelda, do they have any adult</p>	<p>10:26:13 1 A. Huh-uh (negative response).</p> <p>10:26:13 2 Q. Is that a no?</p> <p>10:26:14 3 A. That's a no.</p> <p>10:26:15 4 Q. Something else I should have</p> <p>10:26:16 5 told you. Try not to do "huh-uh" and</p> <p>10:26:19 6 "uh-huh." That's another one of those hard</p> <p>10:26:21 7 things for her to get down. So if you</p> <p>10:26:24 8 could just say yes or no, that would be</p> <p>10:26:25 9 great.</p> <p>10:26:25 10 A. Okay.</p> <p>10:26:25 11 Q. All right. Allen Gene, I think</p> <p>10:26:27 12 everybody calls him Gene, right?</p> <p>10:26:29 13 A. Right.</p> <p>10:26:29 14 Q. Is Gene married?</p> <p>10:26:30 15 A. Nope.</p> <p>10:26:31 16 Q. Has he ever been married?</p> <p>10:26:32 17 A. Yes.</p> <p>10:26:32 18 Q. What was his last wife's name?</p> <p>10:26:43 19 A. Shadinger.</p> <p>10:26:43 20 Q. Could you spell that?</p> <p>10:26:43 21 A. Huh-uh (negative response).</p> <p>10:26:45 22 Q. Shadinger?</p> <p>10:26:46 23 A. Shadinger.</p>
18	20
<p>10:25:22 1 children living in Alabama?</p> <p>10:25:23 2 A. Yes, sir.</p> <p>10:25:24 3 Q. Okay. And what are their names?</p> <p>10:25:35 4 A. Anthony and Melinda Nelson.</p> <p>10:25:38 5 Q. Are either Anthony or Melinda</p> <p>10:25:41 6 married?</p> <p>10:25:42 7 A. Wait just a second here. Did I</p> <p>10:25:45 8 get that wrong, Patty?</p> <p>10:25:47 9 MS. WILKERSON: That's right,</p> <p>10:25:49 10 Anthony and Melinda.</p> <p>10:25:51 11 THE WITNESS: Okay.</p> <p>10:25:52 12 Q. Are Anthony -- are they both</p> <p>10:25:55 13 Nelsons?</p> <p>10:25:58 14 MS. WILKERSON: Anthony is.</p> <p>10:26:00 15 Melinda is something else, and I don't know</p> <p>10:26:02 16 who.</p> <p>10:26:02 17 Q. So Melinda is married?</p> <p>10:26:03 18 A. I don't know her last name.</p> <p>10:26:05 19 Q. You don't know her husband's</p> <p>10:26:07 20 name?</p> <p>10:26:07 21 A. No.</p> <p>10:26:07 22 Q. Is Anthony married, Anthony</p> <p>10:26:10 23 Nelson?</p>	<p>10:26:47 1 Q. Is that a last name or a first</p> <p>10:26:50 2 name?</p> <p>10:26:50 3 A. That's her last name.</p> <p>10:26:51 4 Q. Shadinger. What was her first</p> <p>10:26:53 5 name?</p> <p>10:26:54 6 A. Darlene.</p> <p>10:26:56 7 Q. Now, does Allen -- excuse me.</p> <p>10:26:59 8 Does Gene have any children, adult</p> <p>10:27:01 9 children?</p> <p>10:27:02 10 A. Yes, sir.</p> <p>10:27:02 11 Q. Okay. Do they live in the State</p> <p>10:27:04 12 of Alabama?</p> <p>10:27:04 13 A. One does.</p> <p>10:27:05 14 Q. One does. The one that lives in</p> <p>10:27:07 15 the State of Alabama, what is his or her</p> <p>10:27:10 16 name?</p> <p>10:27:12 17 A. Christy -- I mean Crystal.</p> <p>10:27:17 18 Q. And what's Crystal's last name?</p> <p>10:27:23 19 A. I don't know it.</p> <p>10:27:25 20 Q. You don't know what Crystal's</p> <p>10:27:26 21 last name is? I take it she's married?</p> <p>10:27:29 22 A. Yeah.</p> <p>10:27:29 23 Q. Do you know what her husband's</p>

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<p>10:27:31 1 first name is?</p> <p>10:27:36 2 A. I do, but I can't call it off</p> <p>10:27:40 3 right now.</p> <p>10:27:40 4 Q. Okay. All right. Those are</p> <p>10:27:44 5 your brothers and sisters. Are your mother</p> <p>10:27:46 6 and father still living?</p> <p>10:27:47 7 A. No. They are both deceased.</p> <p>10:27:48 8 Q. Do you have any living uncles or</p> <p>10:27:51 9 aunts?</p> <p>10:28:05 10 A. That's going to be a tough one</p> <p>10:28:05 11 right there, because I ain't quite for</p> <p>10:28:06 12 sure. Most of them has passed on.</p> <p>10:28:09 13 Q. Okay. Well, if you think of</p> <p>10:28:11 14 some, you'll tell me as we go along. Is</p> <p>10:28:14 15 that fair?</p> <p>10:28:15 16 A. Maybe Gene can answer that</p> <p>10:28:16 17 question for you, because he's got a little</p> <p>10:28:19 18 bit better memory than I do.</p> <p>10:28:21 19 Q. Okay. Now, do you have any</p> <p>10:28:33 20 children, adult children?</p> <p>10:28:44 21 A. Yes, sir.</p> <p>10:28:44 22 Q. And what are their names?</p> <p>10:28:44 23 A. Jeremy and Mandy. Jeremy's last</p>	<p>10:29:57 1 A. Over by our house.</p> <p>10:29:58 2 Q. What's the name of the church?</p> <p>10:30:00 3 A. Prospect.</p> <p>10:30:04 4 Q. Prospect? Is it Baptist,</p> <p>10:30:07 5 Methodist?</p> <p>10:30:08 6 A. It just says Prospect Church. I</p> <p>10:30:15 7 believe that's all it says, Prospect</p> <p>10:30:18 8 Church.</p> <p>10:30:18 9 Q. And you say over by the house.</p> <p>10:30:21 10 Where did you tell me you live again, what</p> <p>10:30:23 11 city?</p> <p>10:30:24 12 A. I live out of Carbon Hill. I</p> <p>10:30:27 13 live in --</p> <p>10:30:33 14 Q. So Prospect Church is in Carbon</p> <p>10:30:36 15 Hill; is that correct?</p> <p>10:30:36 16 A. No. It's in Prospect. That's</p> <p>10:30:39 17 where I live, over in Prospect outside the</p> <p>10:30:42 18 city limits of Carbon Hill, over at</p> <p>10:30:44 19 Prospect.</p> <p>10:30:45 20 Q. So the church is in Prospect,</p> <p>10:30:47 21 Alabama; is that right?</p> <p>10:30:48 22 A. Yes, sir. And another church I</p> <p>10:30:50 23 go to on Sundays ever now and then is</p>
22	24
<p>10:28:47 1 name is still Barron, and Mandy just got</p> <p>10:28:51 2 married to somebody. I don't know what his</p> <p>10:28:53 3 last name is or first name.</p> <p>10:28:55 4 Q. Okay. Is Jeremy married?</p> <p>10:29:07 5 A. No.</p> <p>10:29:07 6 Q. Who was Jeremy's mother?</p> <p>10:29:12 7 A. Teresa Durlene Hallmark.</p> <p>10:29:17 8 Q. Does she live in Alabama?</p> <p>10:29:20 9 A. Yes, sir.</p> <p>10:29:22 10 Q. And Mandy, is she also Teresa's</p> <p>10:29:28 11 child. Did you say Teresa?</p> <p>10:29:30 12 A. Teresa.</p> <p>10:29:31 13 Q. Is she also Teresa's child?</p> <p>10:29:34 14 A. Yes.</p> <p>10:29:35 15 Q. How many times have you been</p> <p>10:29:36 16 married?</p> <p>10:29:38 17 A. Twice.</p> <p>10:29:38 18 Q. Twice. So to Teresa and Patsy?</p> <p>10:29:42 19 A. Yes, sir.</p> <p>10:29:53 20 Q. Do you go to church, Mr. Barron?</p> <p>10:29:53 21 A. Occasionally, yes, sir, I do.</p> <p>10:29:54 22 Q. When you go to church, where do</p> <p>10:29:57 23 you go?</p>	<p>10:30:56 1 Pocahontas.</p> <p>10:31:00 2 Q. Where is that church located?</p> <p>10:31:04 3 A. Somewhere between -- somewhere</p> <p>10:31:13 4 between the Parade station and -- Parade</p> <p>10:31:19 5 station on -- they don't call it 78 no</p> <p>10:31:24 6 more, old 78.</p> <p>10:31:25 7 Q. I'm just asking you the city</p> <p>10:31:26 8 that it's in or the town.</p> <p>10:31:27 9 A. It's outside the city limits of</p> <p>10:31:29 10 Carbon Hill.</p> <p>10:31:30 11 Q. Okay. Are you a member of any</p> <p>10:31:42 12 social organizations like Kiwanis or Elks</p> <p>10:31:49 13 Lodge or VFW or anything like that?</p> <p>10:31:52 14 A. No. I attend -- when I can, I</p> <p>10:31:59 15 try to, at least once a month, to go to AA</p> <p>10:32:04 16 meetings.</p> <p>10:32:04 17 Q. Okay. And where do you attend</p> <p>10:32:14 18 those at?</p> <p>10:32:14 19 A. Well, there's several different</p> <p>10:32:15 20 places all over in Jasper.</p> <p>10:32:17 21 Q. They are in Jasper?</p> <p>10:32:18 22 A. Yeah. There's several different</p> <p>10:32:20 23 places. There's one open every night.</p>

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25	<p>10:32:23 1 Q. So are you telling me that you</p> <p>10:32:25 2 meet with different groups, or is it the</p> <p>10:32:29 3 same group every time?</p> <p>10:32:30 4 A. No, it's -- I actually have got</p> <p>10:32:35 5 up to a certain point there to --</p> <p>10:32:39 6 MR. PIAZZA: Just answer his</p> <p>10:32:40 7 question. Do you meet at one group or</p> <p>10:32:43 8 several groups?</p> <p>10:32:44 9 A. Several groups.</p> <p>10:32:44 10 Q. So several different groups?</p> <p>10:32:46 11 A. Yes, sir.</p> <p>10:32:50 12 MR. WILLFORD: Let's go off the</p> <p>10:32:54 13 record for a second.</p> <p>10:32:54 14</p> <p>10:32:54 15 (Whereupon, a discussion off the</p> <p>10:32:54 16 record was held.)</p> <p>10:33:19 17</p> <p>10:33:19 18 Q. Okay. Back on the record. Now,</p> <p>10:33:25 19 we were talking about earlier, Mr. Burch,</p> <p>10:33:27 20 that you had testified before, before the</p> <p>10:33:29 21 Walker County Personnel Board, correct?</p> <p>10:33:31 22 A. Correct.</p> <p>10:33:32 23 Q. You remember giving that</p>	27	<p>10:34:45 1 other and we ain't planning on to.</p> <p>10:34:47 2 Q. Okay. But you corrected that in</p> <p>10:34:48 3 your testimony, didn't you?</p> <p>10:34:49 4 A. No, I didn't get to.</p> <p>10:34:49 5 Q. You didn't?</p> <p>10:34:50 6 A. I'm trying to correct it now.</p> <p>10:34:52 7 Q. Give me just a minute.</p> <p>10:35:27 8 A. And there's one more.</p> <p>10:36:51 9 Q. All right. Let me just ask you.</p> <p>10:36:54 10 We'll get into the other thing in just a</p> <p>10:36:56 11 minute. Let me ask you some questions</p> <p>10:36:57 12 about that. So you admit that in the Civil</p> <p>10:37:02 13 Service Board -- excuse me, the Personnel</p> <p>10:37:04 14 Board, you testified -- or the 911 tape</p> <p>10:37:09 15 shows that you said she broke your thumb;</p> <p>10:37:12 16 correct?</p> <p>10:37:13 17 A. Correct, and that was wrong.</p> <p>10:37:14 18 She didn't break my thumb.</p> <p>10:37:17 19 Q. So the information that you gave</p> <p>10:37:19 20 to the 911 operator was incorrect; is that</p> <p>10:37:22 21 right?</p> <p>10:37:22 22 A. Incorrect.</p> <p>10:37:22 23 Q. What is the other thing that you</p>
26	<p>10:33:33 1 testimony?</p> <p>10:33:33 2 A. Correct.</p> <p>10:33:36 3 Q. And do you remember at the time</p> <p>10:33:38 4 that you gave that testimony that just like</p> <p>10:33:40 5 you did here today, you raised your right</p> <p>10:33:42 6 hand and swore to tell the truth? Do you</p> <p>10:33:44 7 remember that?</p> <p>10:33:45 8 A. That's right.</p> <p>10:33:45 9 Q. Okay. And at the time you</p> <p>10:33:47 10 testified before the Civil Service Board --</p> <p>10:33:50 11 excuse me, the Personnel Board, that the</p> <p>10:33:53 12 testimony that you gave was truthful; is</p> <p>10:33:59 13 that correct?</p> <p>10:33:59 14 A. Yes.</p> <p>10:34:00 15 Q. And it was accurate to the best</p> <p>10:34:02 16 of your ability at the time; is that</p> <p>10:34:05 17 correct?</p> <p>10:34:05 18 A. No. There's -- on the 911 tape</p> <p>10:34:22 19 -- on the 911 tape, the call on 911 I made,</p> <p>10:34:31 20 I heard it, but it said something about</p> <p>10:34:37 21 telling them my wife broke my thumb, and my</p> <p>10:34:41 22 wife didn't have nothing to do with</p> <p>10:34:42 23 breaking my thumb. We ain't never hit each</p>	28	<p>10:37:24 1 wanted to correct?</p> <p>10:37:26 2 A. I told them it was my left thumb</p> <p>10:37:31 3 on that tape, and that was a mistake,</p> <p>10:37:38 4 because it was my right thumb.</p> <p>10:37:40 5 Q. Okay. So in your 911 call, you</p> <p>10:37:46 6 told them that Patsy broke your left thumb?</p> <p>10:37:49 7 Is that what you're saying?</p> <p>10:37:50 8 A. Yes, sir. And I just had been</p> <p>10:37:52 9 to the doctor, and they gave me a pain</p> <p>10:37:55 10 shot, and a splint on my thumb and I had a</p> <p>10:38:03 11 few beers.</p> <p>10:38:04 12 Q. Okay. So you actually had -- at</p> <p>10:38:06 13 the time, you had a broken right thumb and</p> <p>10:38:09 14 Patsy didn't do that; is that right?</p> <p>10:38:10 15 A. That's right.</p> <p>10:38:12 16 Q. Anything else in your testimony</p> <p>10:38:15 17 that was incorrect that you would like to</p> <p>10:38:17 18 correct today?</p> <p>10:38:18 19 A. As far as I can tell, I don't</p> <p>10:38:20 20 think so. I believe the rest of it would</p> <p>10:38:22 21 be all right.</p> <p>10:38:23 22 Q. Okay. I'm going to enter</p> <p>10:38:26 23 Defendant's Exhibit 1, which is the</p>

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29	<p>10:38:28 1 transcript of your testimony before the</p> <p>10:38:30 2 Walker County Personnel Board or Civil</p> <p>10:38:34 3 Service Board as it's listed here, dated</p> <p>10:38:36 4 October 26, 2004.</p> <p>5</p> <p>6 (Whereupon, Defendant's Exhibit 1 was</p> <p>7 marked for identification and same</p> <p>8 is attached hereto.)</p> <p>9</p> <p>10:38:52 10 Q. Mr. Burch, would you agree with</p> <p>10:38:54 11 me that at the time you gave that testimony</p> <p>10:38:56 12 with it having been about ten months after</p> <p>10:38:59 13 the event, that your recollection was</p> <p>10:39:01 14 fresher then than it would be today?</p> <p>10:39:07 15 A. Would you --</p> <p>10:39:09 16 Q. Yes, sir. Sitting here today,</p> <p>10:39:10 17 we're about, what, four years and four</p> <p>10:39:12 18 months after the incident with Deputy</p> <p>10:39:15 19 Ingle; is that about right?</p> <p>10:39:16 20 A. Yes, sir.</p> <p>10:39:17 21 Q. And when you testified back in</p> <p>10:39:19 22 October of 2004, that was only about ten</p> <p>10:39:21 23 months after it had happened, right?</p>	31	<p>10:40:15 1 MR. PIAZZA: Since March of</p> <p>10:40:17 2 2005.</p> <p>10:40:18 3 Q. Yes, since March 2005.</p> <p>10:40:23 4 A. Other than hurting my own self.</p> <p>10:40:32 5 Q. I'm asking you about anything</p> <p>10:40:34 6 that you claim was a result of what Deputy</p> <p>10:40:37 7 Ingle did to you back in February of 2004</p> <p>10:40:40 8 that you've had to have medical treatment</p> <p>10:40:42 9 for since March of 2005.</p> <p>10:40:44 10 A. Oh, yeah.</p> <p>10:40:45 11 Q. Not anything that you did to</p> <p>10:40:47 12 yourself, but something that relates to</p> <p>10:40:48 13 that.</p> <p>10:40:49 14 A. Yeah.</p> <p>10:40:49 15 Q. Okay. What have you had?</p> <p>10:40:53 16 A. Injury -- he refractured my</p> <p>10:41:00 17 back. I got a bone fusion in my back, and</p> <p>10:41:05 18 he fractured it, and I had to see the back</p> <p>10:41:09 19 doctor.</p> <p>10:41:09 20 Q. When did you see the back</p> <p>10:41:11 21 doctor?</p> <p>10:41:12 22 A. Just as soon as I got through</p> <p>10:41:14 23 getting my finger took off, because it was</p>
30	<p>10:39:23 1 A. (Witness nods head.)</p> <p>10:39:23 2 Q. Is that a yes?</p> <p>10:39:24 3 A. Yes, sir.</p> <p>10:39:25 4 Q. Would you agree with me that</p> <p>10:39:26 5 when you gave this testimony that's in</p> <p>10:39:28 6 Defendant's Exhibit 1, that your</p> <p>10:39:31 7 recollection of the event was fresher then</p> <p>10:39:33 8 than it is sitting here today?</p> <p>10:39:35 9 A. Yes, sir.</p> <p>10:39:36 10 Q. Okay. I just have a few more</p> <p>10:39:42 11 follow-up questions, some things that,</p> <p>10:39:44 12 obviously, I didn't get a chance to ask you</p> <p>10:39:47 13 back during the Personnel Board that I</p> <p>10:39:49 14 would like to ask you about here today.</p> <p>10:39:52 15 Since the last testimony in the</p> <p>10:39:53 16 Personnel Board, have you had any medical</p> <p>10:39:57 17 treatment with respect to any injuries that</p> <p>10:39:59 18 you claim that you got from the incident</p> <p>10:40:01 19 with Deputy Ingle?</p> <p>10:40:03 20 A. Yes, sir.</p> <p>10:40:03 21 Q. All right. How many different</p> <p>10:40:07 22 kinds of medical treatment have you had</p> <p>10:40:08 23 since our last appearance before the board?</p>	32	<p>10:41:20 1 setting up gangrene.</p> <p>10:41:22 2 Q. Your finger, I believe, was</p> <p>10:41:24 3 amputated in March of '04; is that right?</p> <p>10:41:28 4 A. I guess it is.</p> <p>10:41:30 5 Q. Is that your recollection?</p> <p>10:41:32 6 A. I guess it is, because --</p> <p>10:41:35 7 Q. Okay. How soon or how long</p> <p>10:41:37 8 after your finger was amputated did you go</p> <p>10:41:41 9 to the back doctor?</p> <p>10:41:42 10 A. After I got through Brookwood, I</p> <p>10:41:49 11 had to go back over there to get the</p> <p>10:41:51 12 stitches out of my finger and all. After</p> <p>10:41:54 13 that, I went and seen my back doctor,</p> <p>10:41:56 14 because it scared me.</p> <p>10:41:57 15 Q. Was that a couple of months or</p> <p>10:41:59 16 was it a year or how long was it?</p> <p>10:42:01 17 A. No. It was within about two</p> <p>10:42:10 18 weeks, wasn't it, Patty, would be about</p> <p>10:42:15 19 right, about two weeks?</p> <p>10:42:15 20 Q. You need to answer the</p> <p>10:42:15 21 questions, Mr. Burch.</p> <p>10:42:16 22 A. I believe I'm going to say --</p> <p>10:42:17 23 MR. PIAZZA: It's to the best of</p>

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33	<p>10:42:19 1 your recollection.</p> <p>10:42:19 2 A. About two weeks.</p> <p>10:42:20 3 Q. About two weeks?</p> <p>10:42:21 4 A. Yeah.</p> <p>10:42:21 5 Q. Now, what was the name of the</p> <p>10:42:23 6 back doctor you went to see?</p> <p>10:42:25 7 A. Lorn Miller.</p> <p>10:42:30 8 Q. Do we have records from him?</p> <p>10:42:32 9 MR. PIAZZA: Yeah, you've got</p> <p>10:42:35 10 them.</p> <p>10:42:35 11 MR. WILLFORD: Was that in the</p> <p>10:42:35 12 stack that you gave me?</p> <p>10:42:36 13 MR. PIAZZA: Yeah.</p> <p>10:42:48 14 Q. All right. Now, what did Dr.</p> <p>10:42:48 15 Miller do for you?</p> <p>10:42:48 16 A. He's helped me a whole lot, and</p> <p>10:42:51 17 he's got sixteen or seventeen plaques on</p> <p>10:42:54 18 the wall. He's a psychiatrist,</p> <p>10:42:58 19 neurologist.</p> <p>10:42:59 20 Q. What did he tell for you with</p> <p>10:43:01 21 respect to your back, what kind of</p> <p>10:43:04 22 treatment, what kind of surgery? What did</p> <p>10:43:06 23 he do for you?</p>	35	<p>10:44:08 1 last time you had it done?</p> <p>10:44:11 2 A. It's been quite a while. Let's</p> <p>10:44:16 3 see. I would say somewhere around eight --</p> <p>10:44:21 4 it's been close to a year now.</p> <p>10:44:23 5 Q. All right. Other than putting</p> <p>10:44:29 6 the needles and the medicine in your back,</p> <p>10:44:32 7 has Dr. Miller done anything else for you?</p> <p>10:44:35 8 A. Yes.</p> <p>10:44:35 9 Q. What else has he done?</p> <p>10:44:38 10 A. He's put me on medication for</p> <p>10:44:43 11 anxiety. I don't know if -- I've got a</p> <p>10:44:51 12 list of them, but he's supposed to have</p> <p>10:44:54 13 mailed him a list of them.</p> <p>10:44:56 14 MR. PIAZZA: You should have</p> <p>10:44:57 15 those, that list. It was on the records.</p> <p>10:45:03 16 MR. WILLFORD: That's fine.</p> <p>10:45:04 17 A. And then he put me on Prozac.</p> <p>10:45:06 18 Q. That's actually a good question.</p> <p>10:45:07 19 Sitting here today, what medications, if</p> <p>10:45:10 20 any, have you taken today?</p> <p>10:45:12 21 A. I took my blood pressure</p> <p>10:45:14 22 medicine. I have three different kind, and</p> <p>10:45:17 23 a heartburn, like a Prilosec pill, a</p>
34	<p>10:43:07 1 A. He had to put a bunch of -- I</p> <p>10:43:10 2 don't know. I sat in the chair backwards</p> <p>10:43:12 3 and he was putting a bunch of needles in</p> <p>10:43:16 4 there, and he put enough medicine in there</p> <p>10:43:18 5 to kill a horse, but I didn't feel that</p> <p>10:43:20 6 back pain no more. And when I got up, I</p> <p>10:43:24 7 gave him a hug, because I was hurting real</p> <p>10:43:27 8 bad.</p> <p>10:43:27 9 Q. How many times did you have to</p> <p>10:43:28 10 do that?</p> <p>10:43:37 11 A. About three times, three times.</p> <p>10:43:38 12 Q. Were those all in 2004, all</p> <p>10:43:40 13 three times?</p> <p>10:43:41 14 A. Yeah.</p> <p>10:43:42 15 Q. Okay. So you haven't had it</p> <p>10:43:43 16 done since?</p> <p>10:43:44 17 A. Oh, yeah, I've had it, a couple</p> <p>10:43:50 18 done since, you know.</p> <p>10:43:52 19 Q. How many total times since March</p> <p>10:43:54 20 of '04 and now have you had it done?</p> <p>10:43:57 21 A. I believe twice. Let's see.</p> <p>10:44:02 22 No, more than that. About five times.</p> <p>10:44:06 23 Q. Five total times? When was the</p>	36	<p>10:45:23 1 breathing pill, an Albuterol inhaler,</p> <p>10:45:32 2 eighty-one milligrams of aspirin, and HTZ,</p> <p>10:45:47 3 a fluid pill.</p> <p>10:45:48 4 Q. Is the HTZ the fluid pill or did</p> <p>10:45:58 5 you say HTZ and a fluid pill?</p> <p>10:45:58 6 A. HTZ is it. HTZ is a fluid pill.</p> <p>10:46:10 7 Q. Is that it? Is that all the</p> <p>10:46:10 8 medications you've taken today?</p> <p>10:46:12 9 A. Yes, sir.</p> <p>10:46:13 10 Q. Okay. You said something about</p> <p>10:46:16 11 a breathing pill. What is that breathing</p> <p>10:46:19 12 pill for? Is that for your asthma?</p> <p>10:46:21 13 A. Yeah. I've got COPD.</p> <p>10:46:24 14 Q. Okay. So you're not on any kind</p> <p>10:46:33 15 of pain medication today?</p> <p>10:46:34 16 A. No.</p> <p>10:46:36 17 Q. Are you currently prescribed any</p> <p>10:46:38 18 kind of pain medication?</p> <p>10:46:40 19 A. Yes, sir.</p> <p>10:46:41 20 Q. What pain medication are you</p> <p>10:46:43 21 prescribed currently?</p> <p>10:46:46 22 A. Lortab 10s, Xanax, Corisoprodol,</p> <p>10:46:59 23 muscle relaxer.</p>

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37	<p>10:46:59 1 Q. I'm sorry. What was that last</p> <p>10:47:01 2 one?</p> <p>10:47:01 3 A. Corisoprodol. It's a muscle</p> <p>10:47:04 4 relaxer. Xanax. Did I mention that?</p> <p>10:47:16 5 Eighty-one milligram of aspirin?</p> <p>10:47:17 6 Q. Yes, sir, you did.</p> <p>10:47:18 7 A. And this here Prozac.</p> <p>10:47:24 8 Q. Prozac?</p> <p>10:47:26 9 MR. PIAZZA: He's talking about</p> <p>10:47:27 10 a pain medication.</p> <p>10:47:28 11 MR. WILLFORD: I think he's just</p> <p>10:47:29 12 giving me all his medications.</p> <p>10:47:30 13 A. I did take a Prozac this</p> <p>10:47:31 14 morning.</p> <p>10:47:32 15 Q. You did take a Prozac this</p> <p>10:47:33 16 morning?</p> <p>10:47:34 17 A. Yeah.</p> <p>10:47:35 18 Q. Okay. Are any of these</p> <p>10:47:36 19 medications that you're currently on,</p> <p>10:47:37 20 sitting here today, affecting your ability</p> <p>10:47:38 21 to understand my questions?</p> <p>10:47:39 22 A. Not at all.</p> <p>10:47:40 23 Q. Are they affecting your ability</p>	39	<p>10:48:37 1 question.</p> <p>10:48:37 2 Q. The last time that we met at the</p> <p>10:48:39 3 Personnel Board hearing. I got to ask you</p> <p>10:48:42 4 about all that. We know about all that</p> <p>10:48:44 5 stuff from the Personnel Board hearing.</p> <p>10:48:46 6 I'm trying to find out what happened since</p> <p>10:48:48 7 the last time you and I sat in a room</p> <p>10:48:50 8 together.</p> <p>10:48:50 9 A. All right.</p> <p>10:48:51 10 Q. You remember me being at the</p> <p>10:48:53 11 personnel hearing?</p> <p>10:48:54 12 A. Yeah.</p> <p>10:48:54 13 Q. I had longer hair then.</p> <p>10:48:57 14 A. Yeah. Something looked a bit</p> <p>10:48:59 15 different about you.</p> <p>10:48:59 16 Q. So since that last time we were</p> <p>10:49:01 17 all in the Personnel Board together, that's</p> <p>10:49:11 18 what I'm asking you about. You've told me</p> <p>10:49:11 19 that you've seen Dr. Miller. Okay. Who</p> <p>10:49:12 20 else have you seen since March of 2005 for</p> <p>10:49:12 21 medical treatment for something that you</p> <p>10:49:14 22 relate to the incident with Derane Ingle?</p> <p>10:49:17 23 A. Dr. Eugene Tai.</p>
38	<p>10:47:46 1 to give me truthful answers to my</p> <p>10:47:48 2 questions?</p> <p>10:47:48 3 A. Not at all.</p> <p>10:47:49 4 Q. Okay. Good. All right. Going</p> <p>10:47:58 5 back to what we were talking about as far</p> <p>10:48:00 6 as any medical treatment you got after</p> <p>10:48:02 7 March of 2005, and, again, I'm just talking</p> <p>10:48:06 8 about medical treatment that you say is</p> <p>10:48:08 9 related to the incident with Derane Ingle.</p> <p>10:48:11 10 Anybody else besides Dr. Miller that you</p> <p>10:48:14 11 saw for something that you relate to the</p> <p>10:48:16 12 incident with Derane Ingle?</p> <p>10:48:20 13 A. (Witness nods head.)</p> <p>10:48:21 14 MR. PIAZZA: Is that a yes.</p> <p>10:48:22 15 Q. Is that a yes?</p> <p>10:48:23 16 A. Yes.</p> <p>10:48:23 17 Q. Who was the next provider that</p> <p>10:48:25 18 you've had?</p> <p>10:48:26 19 A. Straight from the jail house to</p> <p>10:48:28 20 Walker Regional Baptist Medical Center.</p> <p>10:48:30 21 Q. I'm talking about after March of</p> <p>10:48:32 22 2005, the last time.</p> <p>10:48:36 23 MR. PIAZZA: Listen to his</p>	40	<p>10:49:22 1 Q. T-i-g-h?</p> <p>10:49:26 2 MR. PIAZZA: T-a-i, I believe.</p> <p>10:49:29 3 A. T-a-i. He almost was Tax.</p> <p>10:49:32 4 Q. And what did Dr. Tai do for you?</p> <p>10:49:36 5 A. He's the guy that's got my heart</p> <p>10:49:39 6 medication and stuff, and this here -- and</p> <p>10:49:53 7 Prozac.</p> <p>10:49:53 8 Q. What condition did he treat you</p> <p>10:49:56 9 for that you relate to the incident with</p> <p>10:49:59 10 Dr. Ingle -- I'm sorry, Derane Ingle?</p> <p>10:50:03 11 A. He didn't treat me for none of</p> <p>10:50:06 12 them injuries right there.</p> <p>10:50:07 13 Q. Okay. I understand. I'm just</p> <p>10:50:09 14 asking you about doctors that you saw</p> <p>10:50:11 15 because of something that you say Derane</p> <p>10:50:13 16 did to you?</p> <p>10:50:14 17 A. Right. I understand.</p> <p>10:50:15 18 Q. You understand now?</p> <p>10:50:16 19 A. Yeah.</p> <p>10:50:17 20 Q. All right. So you didn't see</p> <p>10:50:18 21 Dr. Tai for anything that Derane Ingle did</p> <p>10:50:21 22 to you?</p> <p>10:50:22 23 A. No, sir.</p>

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41	<p>10:50:22 1 Q. Okay. But you did see Dr.</p> <p>10:50:25 2 Miller for your back, and you're relating</p> <p>10:50:29 3 that back to something that Derane did?</p> <p>10:50:30 4 A. Let me back that up, because,</p> <p>10:50:32 5 yeah, I told Dr. Tai about it and what</p> <p>10:50:36 6 problems it's caused me and that's the</p> <p>10:50:38 7 reason he went ahead and put me on them --</p> <p>10:50:44 8 I ain't used to saying that word there,</p> <p>10:50:46 9 Prozac.</p> <p>10:50:48 10 Q. Prozac?</p> <p>10:50:49 11 A. Yeah, because for depression and</p> <p>10:50:55 12 anxiety.</p> <p>10:50:59 13 Q. Now, I think you told me at the</p> <p>10:51:01 14 Personnel Board hearing that you already</p> <p>10:51:03 15 had anxiety and depression, correct?</p> <p>10:51:06 16 A. I have severe anxiety attacks.</p> <p>10:51:08 17 Q. And you had those before the</p> <p>10:51:10 18 incident with Deputy Ingle, correct?</p> <p>10:51:12 19 A. Yeah. Yes, sir.</p> <p>10:51:14 20 Q. Who was treating you before the</p> <p>10:51:16 21 incident with Deputy Ingle for your anxiety</p> <p>10:51:20 22 and depression?</p> <p>10:51:22 23 A. Dr. Miller and Dr. Tai.</p>	43	<p>10:52:42 1 A. I was already on them.</p> <p>10:52:45 2 Q. I'm just talking about for your</p> <p>10:52:47 3 anxiety and depression, not for your other</p> <p>10:52:55 4 conditions.</p> <p>10:52:55 5 A. Anxiety and depression?</p> <p>10:52:55 6 Q. Yes, sir. Was Xanax the only</p> <p>10:52:55 7 thing you took at that time?</p> <p>10:52:56 8 A. Yes, before, before he beat me</p> <p>10:53:00 9 up.</p> <p>10:53:01 10 Q. All right. So we've got Dr.</p> <p>10:53:03 11 Miller and Dr. Tai. Anybody else that you</p> <p>10:53:06 12 have seen, any other medical provider that</p> <p>10:53:08 13 you've seen since March of 2005 for a</p> <p>10:53:11 14 condition that you say was caused by Derane</p> <p>10:53:16 15 Ingle?</p> <p>10:53:16 16 A. Dr. Miller.</p> <p>10:53:17 17 Q. Okay. We've got Dr. Miller.</p> <p>10:53:19 18 We've got Dr. Tai. Anybody else?</p> <p>10:53:21 19 A. I had to see him several times</p> <p>10:53:23 20 after that.</p> <p>10:53:23 21 Q. I understand. You've told me</p> <p>10:53:25 22 about the five times that you saw him.</p> <p>10:53:27 23 A. Okay.</p>
42	<p>10:51:25 1 Q. Okay. Had Dr. Tai already</p> <p>10:51:45 2 prescribed Prozac for you prior to the</p> <p>10:51:47 3 incident with Deputy Ingle?</p> <p>10:51:49 4 A. No, sir.</p> <p>10:51:50 5 Q. When was the first time you ever</p> <p>10:51:52 6 got a prescription for Prozac?</p> <p>10:51:55 7 A. After the -- probably about two,</p> <p>10:52:00 8 three months after the dealing with Derane.</p> <p>10:52:15 9 Q. What were you taking for your</p> <p>10:52:17 10 anxiety and depression before the incident</p> <p>10:52:20 11 with Deputy Ingle, if anything?</p> <p>10:52:21 12 A. Just Xanax from Dr. Miller for</p> <p>10:52:25 13 my anxiety and depression.</p> <p>10:52:28 14 Q. Okay. So Xanax was the only</p> <p>10:52:30 15 thing you were taking at that time?</p> <p>10:52:31 16 A. I called you off my medicine I</p> <p>10:52:34 17 took.</p> <p>10:52:34 18 Q. At that time. I'm not talking</p> <p>10:52:36 19 about today. I'm talking about right</p> <p>10:52:38 20 before the incident with Deputy Ingle.</p> <p>10:52:40 21 A. All them heart medicines I told</p> <p>10:52:42 22 you.</p> <p>10:52:42 23 Q. Yes, sir.</p>	44	<p>10:53:27 1 Q. I'm talking about different</p> <p>10:53:28 2 doctors.</p> <p>10:53:29 3 A. No, I ain't -- them is the only</p> <p>10:53:31 4 two doctors I've got.</p> <p>10:53:32 5 Q. Okay. All right. Now, just to</p> <p>10:53:48 6 be clear, you're not claiming any lost</p> <p>10:53:50 7 wages as a result of anything that Deputy</p> <p>10:53:53 8 Ingle did to you? You didn't lose any time</p> <p>10:53:55 9 from work or anything like that?</p> <p>10:53:56 10 A. No. I got hurt in '91, and I've</p> <p>10:53:58 11 been disabled ever since.</p> <p>10:53:59 12 Q. I'm just kind of checking some</p> <p>10:54:04 13 blocks here.</p> <p>10:54:05 14 A. Okay.</p> <p>10:54:06 15 Q. All of this medical treatment</p> <p>10:54:08 16 that you got, who paid for that?</p> <p>10:54:12 17 A. Medicare mostly, and until I got</p> <p>10:54:19 18 these other cards, HMO cards or whatever,</p> <p>10:54:22 19 Medicare Complete to go with it. So that</p> <p>10:54:29 20 was good. I'm glad I got that. That sure</p> <p>10:54:31 21 helps out to get my medicine.</p> <p>10:54:33 22 Q. Have you had to pay anything out</p> <p>10:54:34 23 of pocket to either Dr. Miller or Dr. Tai?</p>

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<p>10:54:38 1 Do you understand what I mean by out of</p> <p>10:54:39 2 pocket?</p> <p>10:54:40 3 A. No, my insurance covers.</p> <p>10:54:41 4 Q. They cover a hundred percent; is</p> <p>10:54:44 5 that right?</p> <p>10:54:44 6 A. That's right.</p> <p>10:54:45 7 MR. PIAZZA: I've got some bills</p> <p>10:54:47 8 that he's been getting I'm going to give</p> <p>10:54:49 9 you that he's been getting. It's not all</p> <p>10:54:53 10 covered.</p> <p>10:54:54 11 Q. Okay. But you haven't actually</p> <p>10:54:58 12 taken out a checkbook and written a check</p> <p>10:55:01 13 to either Dr. Tai or Dr. Miller at this</p> <p>10:55:03 14 point?</p> <p>10:55:04 15 A. Huh-uh (negative response).</p> <p>10:55:04 16 Q. Is that a no?</p> <p>10:55:05 17 A. No, I ain't had to pay them</p> <p>10:55:09 18 nothing to see them two, but I have what he</p> <p>10:55:14 19 just mentioned to you -- I guess he's got a</p> <p>10:55:21 20 way to tell you about it -- from Walker</p> <p>10:55:23 21 Baptist and Princeton and Brookwood.</p> <p>10:55:26 22 Q. Those are the bills that your</p> <p>10:55:28 23 attorney was referring to?</p>	<p>10:56:52 1 ever paid.</p> <p>10:56:53 2 Q. Did you understand my question?</p> <p>10:56:56 3 Is that the highest wage you were ever paid</p> <p>10:56:58 4 per hour was seven thirty-five?</p> <p>10:57:00 5 A. No. I've built houses and got</p> <p>10:57:03 6 paid a lot more than that.</p> <p>10:57:05 7 Q. Okay. When you built houses,</p> <p>10:57:06 8 what did you get paid?</p> <p>10:57:08 9 A. Shoot, somewhere eight dollars a</p> <p>10:57:14 10 hour. And if it was a bid job, you know --</p> <p>10:57:21 11 do you understand what I'm saying, a bid</p> <p>10:57:23 12 job?</p> <p>10:57:23 13 Q. No, sir. What's a bid job?</p> <p>10:57:26 14 A. The fellow that I worked with</p> <p>10:57:30 15 would go out and look around and see</p> <p>10:57:31 16 whatever it would need, remodel or</p> <p>10:57:34 17 whatever, and he would bid on it.</p> <p>10:57:36 18 Q. Okay.</p> <p>10:57:37 19 A. And they take the lowest bid</p> <p>10:57:40 20 they can get, and you don't get paid by the</p> <p>10:57:43 21 hour. You get the job done and then you</p> <p>10:57:48 22 get paid.</p> <p>10:57:50 23 Q. Is it some percentage of what he</p>
46	48
<p>10:55:30 1 A. I think that's right.</p> <p>10:55:32 2 Q. Okay. Do you know why Medicare</p> <p>10:55:36 3 didn't pay those?</p> <p>10:55:37 4 A. They paid eighty percent of it.</p> <p>10:55:48 5 Q. And they are expecting you to</p> <p>10:55:48 6 pay the other twenty percent; is that</p> <p>10:55:48 7 right?</p> <p>10:55:48 8 A. That's right.</p> <p>10:55:51 9 Q. When you were working building</p> <p>10:56:07 10 mobile homes back in '91, how much did you</p> <p>10:56:12 11 make? Was it by hour? Did you get paid by</p> <p>10:56:15 12 the hour?</p> <p>10:56:16 13 A. Yes, sir.</p> <p>10:56:25 14 Q. How much did you make an hour?</p> <p>10:56:25 15 A. Seven dollars and thirty-five</p> <p>10:56:27 16 cents.</p> <p>10:56:27 17 Q. Was that the most you were ever</p> <p>10:56:29 18 paid was seven thirty-five?</p> <p>10:56:31 19 A. Yes, sir.</p> <p>10:56:51 20 MR. PIAZZA: Did you say paid or</p> <p>10:56:51 21 make?</p> <p>10:56:51 22 MR. WILLFORD: Paid.</p> <p>10:56:51 23 MR. PIAZZA: The most you were</p>	<p>10:57:53 1 makes?</p> <p>10:57:53 2 A. Yeah, that's right.</p> <p>10:57:54 3 Q. All right.</p> <p>10:57:55 4 A. Whatever out of the materials</p> <p>10:57:57 5 and stuff and what's left out of it.</p> <p>10:58:00 6 Q. When was the last time you built</p> <p>10:58:02 7 houses?</p> <p>10:58:04 8 A. I started off building houses</p> <p>10:58:06 9 when I was helping -- I was about twelve</p> <p>10:58:10 10 years old when I started.</p> <p>10:58:11 11 Q. When is the last time you did</p> <p>10:58:13 12 it?</p> <p>10:58:13 13 MR. PIAZZA: Listen to his</p> <p>10:58:15 14 question.</p> <p>10:58:15 15 Q. The last time you worked</p> <p>10:58:16 16 building houses?</p> <p>10:58:17 17 A. The last was 1991.</p> <p>10:58:19 18 Q. Okay.</p> <p>10:58:21 19 A. I ain't built nothing else.</p> <p>10:58:53 20 Q. All right.</p> <p>10:58:53 21 MR. WILLFORD: Mr. Burch, I</p> <p>10:58:53 22 think that's all I've got. Thank you very</p> <p>10:58:53 23 much. Your attorney may have some</p>

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49	<p>10:58:55 1 questions for you.</p> <p>10:58:55 2</p> <p>10:58:55 3 EXAMINATION</p> <p>10:59:04 4 BY MR. PIAZZA:</p> <p>10:59:04 5 Q. I want to show you -- the first</p> <p>10:59:04 6 thing I want to show you and ask you to</p> <p>10:59:06 7 identify is what's been marked as</p> <p>10:59:11 8 Plaintiff's Exhibit No. 38. Do you</p> <p>10:59:14 9 recognize that document?</p> <p>10:59:17 10 A. Yes.</p> <p>11</p> <p>12 (Whereupon, Plaintiff's Exhibits</p> <p>13 37-38 having been previously</p> <p>14 marked for identification are</p> <p>15 attached hereto.)</p> <p>10:59:20 16</p> <p>10:59:20 17 Q. What do you recognize it as?</p> <p>10:59:27 18 Would you describe for the Court what it</p> <p>10:59:27 19 is?</p> <p>10:59:32 20 A. Complaint that Derane had Aaron</p> <p>10:59:39 21 Tucker to -- not Aaron Tucker, but -- help</p> <p>10:59:45 22 me out Patsy, right quick.</p> <p>10:59:47 23 MR. PIAZZA: Do you mind if I --</p>	51	<p>11:00:52 1 Q. And is this the warrant that was</p> <p>11:00:52 2 served on you? This is the warrant that</p> <p>11:00:52 3 was served wherein you were arrested on the</p> <p>11:00:52 4 criminal charge of -- on the charge of</p> <p>11:00:54 5 criminal trespassing --</p> <p>11:00:55 6 A. Correct.</p> <p>11:00:56 7 Q. -- in the third degree?</p> <p>11:00:58 8 A. Correct.</p> <p>11:00:58 9 Q. What I've shown you as</p> <p>11:01:01 10 Plaintiff's Exhibit No. 37?</p> <p>11:01:03 11 A. Correct.</p> <p>11:01:03 12 Q. And it's signed by the</p> <p>11:01:05 13 magistrate. Do you know her name?</p> <p>11:01:06 14 A. There's his buddy right there</p> <p>11:01:08 15 that filled out that complaint right there.</p> <p>11:01:11 16 Daryl Atkin filled out the complaint for</p> <p>11:01:14 17 Derane.</p> <p>11:01:16 18 Q. What I'm asking you -- listen to</p> <p>11:01:20 19 my question.</p> <p>11:01:21 20 A. Okay.</p> <p>11:01:22 21 Q. Is this the -- do you know whose</p> <p>11:01:25 22 signature this person is, Carol? The</p> <p>11:01:30 23 magistrate of the district court, do you</p>
50	<p>10:59:50 1 Q. Is this the --</p> <p>10:59:51 2 A. Daryl Atkin. I've got it. It</p> <p>10:59:54 3 came to me. Derane Ingle got Daryl Atkin,</p> <p>10:59:58 4 a buddy of his, to fill out a false police</p> <p>11:00:03 5 report.</p> <p>11:00:03 6 Q. What I'm asking you about is</p> <p>11:00:06 7 this right here (indicating).</p> <p>11:00:06 8 A. Yeah, complainant.</p> <p>11:00:08 9 Q. What I'm asking about is this</p> <p>11:00:10 10 right here (indicating).</p> <p>11:00:10 11 A. Yeah.</p> <p>11:00:13 12 Q. Is this the complaint that</p> <p>11:00:15 13 Derane Ingle signed in connection with a</p> <p>11:00:21 14 criminal trespass charge last year?</p> <p>11:00:26 15 A. Yep, that's his writing. That's</p> <p>11:00:29 16 it.</p> <p>11:00:29 17 Q. That's his signature?</p> <p>11:00:30 18 A. That's it.</p> <p>11:00:32 19 Q. All right. And that's his name;</p> <p>11:00:38 20 is that correct?</p> <p>11:00:38 21 A. That's it.</p> <p>11:00:39 22 Q. All right.</p> <p>11:00:40 23 A. Yes, sir.</p>	52	<p>11:01:32 1 know her?</p> <p>11:01:36 2 A. I'm not familiar.</p> <p>11:01:38 3 Q. You're not familiar with her?</p> <p>11:01:40 4 A. Huh-uh (negative response).</p> <p>11:01:41 5 Q. Okay. But this is the warrant</p> <p>11:01:42 6 that was sworn out for your arrest?</p> <p>11:01:44 7 A. That's correct.</p> <p>11:01:44 8</p> <p>11:01:44 9 (Whereupon, Plaintiff's Exhibit 73</p> <p>11:01:44 10 was marked for identification and</p> <p>11:01:44 11 same is attached hereto.)</p> <p>11:01:45 12</p> <p>11:01:46 13 Q. Okay. And what I've got marked</p> <p>11:01:50 14 as Plaintiff's Exhibit No. 73, do you</p> <p>11:01:54 15 recognize that?</p> <p>11:01:59 16 A. Correct.</p> <p>11:02:02 17 Q. Would you describe to the Court</p> <p>11:02:04 18 what it is?</p> <p>11:02:05 19 A. This right here is a, I guess,</p> <p>11:02:11 20 court order.</p> <p>11:02:16 21 Q. Is that the court order finding</p> <p>11:02:18 22 you not guilty of the charge of criminal</p> <p>11:02:20 23 trespass?</p>

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53	<p>11:02:22 1 A. Yes, that's the order where I</p> <p>11:02:26 2 was found not guilty of the criminal</p> <p>11:02:30 3 mischief or that trespassing.</p> <p>11:02:33 4 Q. Okay.</p> <p>11:02:34 5 MR. PIAZZA: I would like to</p> <p>11:02:35 6 enter those.</p> <p>11:02:37 7 MR. WILLFORD: We object to the</p> <p>11:02:38 8 admissibility of all of those at this time.</p> <p>11:02:40 9 It's not relevant. It has nothing to do</p> <p>11:02:42 10 with the claims that are left in this case</p> <p>11:02:43 11 and we'll leave it up to the Court to</p> <p>11:02:45 12 decide at a later time.</p> <p>11:02:47 13 Q. Now, there's a couple of</p> <p>11:02:50 14 follow-up questions I want to ask with</p> <p>11:02:57 15 reference to what Mr. Willford was asking</p> <p>11:03:27 16 you. Prior to February 16th of 2004, did</p> <p>11:03:29 17 you already have -- did you have COPD?</p> <p>11:03:32 18 A. Yes, sir.</p> <p>11:03:32 19 Q. Did you have heart problems?</p> <p>11:03:40 20 A. Yes, sir.</p> <p>11:03:40 21 Q. And you stated that you were</p> <p>11:03:42 22 also suffering from anxiety and depression?</p> <p>11:03:50 23 A. Seriously.</p>	55	<p>11:04:50 1 A. Yeah, he put me on a higher</p> <p>11:04:54 2 milligram of Albuterol inhaler, a puffer.</p> <p>11:05:03 3 Q. Did you have to change or</p> <p>11:05:04 4 increase any medications for your heart?</p> <p>11:05:09 5 A. Yeah, he added a -- I was just</p> <p>11:05:13 6 on two, and then he added two more on there</p> <p>11:05:16 7 to me, two more.</p> <p>11:05:18 8 Q. For your heart?</p> <p>11:05:19 9 A. Two more medications to my heart</p> <p>11:05:23 10 after that.</p> <p>11:05:27 11 Q. Did you have to add to the</p> <p>11:05:30 12 medication you were taking for your</p> <p>11:05:33 13 anxiety? You've already stated you started</p> <p>11:05:35 14 taking Prozac?</p> <p>11:05:36 15 A. Yes, sir.</p> <p>11:05:36 16 Q. But did you have to increase any</p> <p>11:05:38 17 other medications that you were already</p> <p>11:05:40 18 taking for your anxiety and depression?</p> <p>11:05:44 19 A. All I was taking before that is</p> <p>11:05:48 20 Xanax, and they -- I mean, they wasn't</p> <p>11:05:53 21 getting the job done, but these right here,</p> <p>11:05:56 22 I take one of them Prozacs in the morning</p> <p>11:05:59 23 and one in the evening, I can go to bed and</p>
54	<p>11:03:52 1 Q. After the incident with Derane</p> <p>11:03:54 2 Ingle on February the 16th, did these</p> <p>11:03:58 3 conditions get worse?</p> <p>11:03:59 4 A. Yes, sir. Yes, sir, yes, sir.</p> <p>11:04:02 5 Q. Did your heart condition get</p> <p>11:04:05 6 worse?</p> <p>11:04:06 7 A. Yes, sir.</p> <p>11:04:08 8 Q. Did your anxiety and depression</p> <p>11:04:10 9 get worse?</p> <p>11:04:11 10 A. Yes, sir.</p> <p>11:04:13 11 Q. Did the fact that you were</p> <p>11:04:17 12 sprayed with Freeze Plus, did that affect</p> <p>11:04:20 13 your breathing?</p> <p>11:04:24 14 A. It damaged my eyes, and I've got</p> <p>11:04:27 15 to have eye surgery.</p> <p>11:04:29 16 Q. Did it aggravate your breathing</p> <p>11:04:32 17 difficulty, your COPD?</p> <p>11:04:33 18 A. Oh, yes. I thought I was going</p> <p>11:04:35 19 to -- I liked to not never got to where I</p> <p>11:04:40 20 could breathe.</p> <p>11:04:42 21 Q. Did you have to increase or</p> <p>11:04:45 22 change any of the medications you were on</p> <p>11:04:47 23 for your breathing difficulties?</p>	56	<p>11:06:01 1 go to sleep.</p> <p>11:06:03 2 Q. All right.</p> <p>11:06:06 3 A. Without seeing him run across in</p> <p>11:06:11 4 my dreams or something, nightmares.</p> <p>11:06:24 5 Q. All right. And that's all the</p> <p>11:06:24 6 relatives that you can think of that he</p> <p>11:06:24 7 asked you about; is that correct? If you</p> <p>11:06:26 8 think of --</p> <p>11:06:26 9 A. That's correct.</p> <p>11:06:27 10 Q. -- some aunts and uncles you're</p> <p>11:06:29 11 going to tell me about those so I can get</p> <p>11:06:32 12 those to him; is that right, Mr. Barron?</p> <p>11:06:33 13 A. That's to the best of my ability</p> <p>11:06:35 14 right there.</p> <p>11:06:36 15 Q. All right. Other than problems</p> <p>11:06:45 16 with your back and your middle finger on</p> <p>11:06:57 17 your right hand, your COPD, your anxiety,</p> <p>11:07:02 18 and depression, are you being treated for</p> <p>11:07:04 19 anything else at this time?</p> <p>11:07:07 20 A. Pain and suffering.</p> <p>11:07:09 21 Q. Who is treating you for that?</p> <p>11:07:12 22 A. Dr. Miller.</p> <p>11:07:16 23 Q. And how is he treating you for</p>

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57	<p>11:07:21 1 your pain and suffering?</p> <p>11:07:25 2 A. He was writing me out ninety</p> <p>11:07:33 3 Xanax, and after this happened and our</p> <p>11:07:38 4 conversation, he wrote me up to a hundred</p> <p>11:07:41 5 and twenty Xanax, take four a day.</p> <p>11:07:45 6 Q. A hundred and twenty milligrams?</p> <p>11:07:47 7 A. No, they are ten milligram</p> <p>11:07:52 8 Xanax, and take four a day.</p> <p>11:07:54 9 Q. Four per day?</p> <p>11:07:56 10 A. Yes, sir.</p> <p>11:07:56 11 Q. How many were you taking per day</p> <p>11:08:00 12 prior to the incident?</p> <p>11:08:01 13 A. Before that?</p> <p>11:08:01 14 Q. Yes, sir.</p> <p>11:08:03 15 A. Ninety, and that was three a</p> <p>11:08:06 16 day. See, he upped me.</p> <p>11:08:07 17 Q. So they are thirty milligrams</p> <p>11:08:09 18 each?</p> <p>11:08:09 19 A. No, they are ten milligrams</p> <p>11:08:12 20 each, and I was getting ninety.</p> <p>11:08:14 21 Q. Oh, ninety to a -- for a</p> <p>11:08:17 22 prescription?</p> <p>11:08:17 23 A. Yeah.</p>	59	<p>11:09:15 1 Service Board hearing?</p> <p>11:09:16 2 A. Yeah, I still --</p> <p>11:09:17 3 Q. Is that nub painful?</p> <p>11:09:19 4 A. I still have aches and pains and</p> <p>11:09:22 5 the sharp aches and pains in there. I</p> <p>11:09:27 6 don't know why I do. I have aches and</p> <p>11:09:30 7 pains.</p> <p>11:09:30 8 Q. Do you take anything for it?</p> <p>11:09:33 9 A. Well, I'm on some pain</p> <p>11:09:36 10 medication, but just every -- it don't do</p> <p>11:09:39 11 it all the time, but, I don't know, it just</p> <p>11:09:42 12 does it when it does it. It just feels</p> <p>11:09:45 13 like somebody is sticking me with a needle.</p> <p>11:09:49 14 Q. Okay.</p> <p>11:09:51 15 A. And other than that, I guess</p> <p>11:09:55 16 that's about all, unless we got some more</p> <p>11:09:59 17 questions.</p> <p>11:10:00 18 MR. PIAZZA: Mr. Willford may</p> <p>11:10:01 19 have some more. That's all I have.</p> <p>11:10:01 20</p> <p>11:10:01 21 RE-EXAMINATION</p> <p>11:10:03 22 BY MR. WILLFORD:</p> <p>11:10:05 23 Q. I do have some. You were asked</p>
58	<p>11:08:18 1 Q. Okay.</p> <p>11:08:18 2 A. And after this here mess</p> <p>11:08:21 3 happened --</p> <p>11:08:21 4 Q. So you're up to four a day is</p> <p>11:08:23 5 basically what you're saying?</p> <p>11:08:24 6 A. Right. He raised it up to four</p> <p>11:08:26 7 a day.</p> <p>11:08:26 8 Q. All right. Anything else that</p> <p>11:08:29 9 you haven't told us about with regard to</p> <p>11:08:30 10 your medical treatment?</p> <p>11:08:34 11 A. Yeah.</p> <p>11:08:42 12 Q. Okay. What is that? What are</p> <p>11:08:45 13 you referring to?</p> <p>11:08:46 14 A. When I had -- that right there</p> <p>11:08:57 15 was about that big around (indicating) and</p> <p>11:08:57 16 my index finger --</p> <p>11:08:57 17 Q. You're going to have to show --</p> <p>11:08:57 18 A. It was turned into setting up</p> <p>11:08:57 19 gangrene, and had to be took off, and it</p> <p>11:09:01 20 wasn't no fun. It was plenty enough pain,</p> <p>11:09:05 21 believe me.</p> <p>11:09:06 22 Q. Have you had any residual pain</p> <p>11:09:09 23 from your index finger since the Civil</p>	60	<p>11:10:06 1 some questions by your attorney, Mr. Burch,</p> <p>11:10:10 2 about your various conditions that you had</p> <p>11:10:11 3 at the time getting worse, and I'm just</p> <p>11:10:16 4 going to kind of go through these. The</p> <p>11:10:17 5 heart condition, you said, got worse after</p> <p>11:10:19 6 the incident with Deputy Ingle, correct?</p> <p>11:10:21 7 A. Right.</p> <p>11:10:22 8 Q. Who -- wait for my question.</p> <p>11:10:25 9 A. Yes, sir.</p> <p>11:10:25 10 Q. Who told you that it had gotten</p> <p>11:10:27 11 worse as a result of what Derane Ingle did?</p> <p>11:10:31 12 A. Dr. Tai.</p> <p>11:10:34 13 Q. And what specifically did he</p> <p>11:10:36 14 tell you caused your heart condition to get</p> <p>11:10:38 15 worse?</p> <p>11:10:39 16 A. He sent me --</p> <p>11:10:41 17 MR. PIAZZA: Hold on one second.</p> <p>11:10:47 18 I don't think I've got his records, but I'm</p> <p>11:10:49 19 going to get them, and I'll turn those over</p> <p>11:10:52 20 to you. I would prefer that we leave that</p> <p>11:10:57 21 to the records rather than -- I mean, he</p> <p>11:11:03 22 can respond if he knows, but I'm just --</p> <p>11:11:07 23 you know, he --</p>

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61	<p>11:11:09 1 MR. WILLFORD: Well, I'm asking</p> <p>11:11:09 2 him what the doctor told him at this point,</p> <p>11:11:11 3 what he recalls the doctor telling him, and</p> <p>11:11:14 4 since we don't have the records and,</p> <p>11:11:15 5 frankly, we don't have a guarantee that</p> <p>11:11:17 6 we're going to get them before summary</p> <p>11:11:19 7 judgment is due, I would prefer to go ahead</p> <p>11:11:21 8 and ask him about it.</p> <p>11:11:23 9 MR. PIAZZA: I'll go ahead and</p> <p>11:11:25 10 subpoena the things today.</p> <p>11:11:26 11 MR. WILLFORD: That doesn't</p> <p>11:11:26 12 necessarily mean he's going to give them to</p> <p>11:11:30 13 us, though. We've had some problems</p> <p>11:11:31 14 already in this case with some doctors not</p> <p>11:11:32 15 giving us stuff. I would prefer to go</p> <p>11:11:34 16 ahead and get this on the record and the</p> <p>11:11:37 17 records will speak for themselves,</p> <p>11:11:38 18 obviously, once we get them.</p> <p>11:11:39 19 MR. PIAZZA: That's fair enough.</p> <p>11:11:40 20 Q. So what did Dr. Tai tell you</p> <p>11:11:42 21 specifically caused your heart condition to</p> <p>11:11:43 22 get worse?</p> <p>11:11:44 23 A. All right. He sent me to Walker</p>	63	<p>11:12:37 1 question.</p> <p>11:12:37 2 MR. WILLFORD: I asked him --</p> <p>11:12:38 3 the question was what did he tell him</p> <p>11:12:41 4 specifically caused his heart condition to</p> <p>11:12:43 5 get worse, and he's telling me about his</p> <p>11:12:46 6 feet. And I'm trying to figure out what a</p> <p>11:12:49 7 problem with your feet has to do with your</p> <p>11:12:52 8 heart. He associated that --</p> <p>11:12:55 9 MR. PIAZZA: That's a medical</p> <p>11:12:56 10 question, Gary.</p> <p>11:12:57 11 A. I had to show him my feet, and</p> <p>11:12:59 12 he sent me for the test to get done. I've</p> <p>11:13:05 13 got poor circulation in my legs and feet,</p> <p>11:13:07 14 and it's called pete -- not pete -- pitting</p> <p>11:13:12 15 edema.</p> <p>11:13:13 16 Q. Okay.</p> <p>11:13:14 17 A. And they swell up. My feet was</p> <p>11:13:18 18 swelled up there. I couldn't even get my</p> <p>11:13:20 19 shoe across, but they are not swelled up</p> <p>11:13:23 20 too bad right now. I'll have to lay one up</p> <p>11:13:28 21 there to let you take a peek at it to see.</p> <p>11:13:31 22 Q. I don't need to see it. Did</p> <p>11:13:35 23 Deputy Ingle do anything to your legs</p>
62	<p>11:11:51 1 Baptist to have a test done on my legs.</p> <p>11:11:53 2 Q. Hold on.</p> <p>11:11:54 3 A. Pressure cuffs.</p> <p>11:11:55 4 Q. Let me stop you right there.</p> <p>11:11:58 5 I'm asking you what Dr. Tai told you caused</p> <p>11:12:00 6 your heart condition to get worse. I'm not</p> <p>11:12:01 7 asking you what he did at this point.</p> <p>11:12:04 8 MR. PIAZZA: Did Dr. Tai tell</p> <p>11:12:05 9 you your heart condition got worse --</p> <p>11:12:08 10 THE WITNESS: Yes.</p> <p>11:12:09 11 MR. PIAZZA: -- because of the</p> <p>11:12:09 12 incident?</p> <p>11:12:10 13 Q. He's already said that. He said</p> <p>11:12:12 14 that. Now I'm asking what he told you</p> <p>11:12:14 15 caused it to get worse?</p> <p>11:12:15 16 A. I've got pitting edema, swelling</p> <p>11:12:21 17 around the ankles, feet are swelling up on</p> <p>11:12:25 18 me.</p> <p>11:12:25 19 Q. What does that have to do with</p> <p>11:12:27 20 your heart?</p> <p>11:12:28 21 MR. PIAZZA: I'm going to object</p> <p>11:12:29 22 to that. He's not a medical expert to be</p> <p>11:12:33 23 able to connect -- I mean, you asked him a</p>	64	<p>11:13:37 1 during this incident?</p> <p>11:13:38 2 A. Besides fracture both knees?</p> <p>11:13:40 3 Q. He fractured both your knees?</p> <p>11:13:43 4 A. Yes.</p> <p>11:13:43 5 Q. How did he do that?</p> <p>11:13:46 6 A. Pushing me, pushing me down.</p> <p>11:13:52 7 Q. Okay. Where were you treated,</p> <p>11:13:54 8 if anywhere, for your fractured knees?</p> <p>11:13:57 9 A. They couldn't do nothing to me.</p> <p>11:13:59 10 They just said they was just fractured.</p> <p>11:14:01 11 Q. Who is they?</p> <p>11:14:04 12 A. Over here at this -- I keep</p> <p>11:14:11 13 thinking I'm somewhere in Jasper for some</p> <p>11:14:14 14 reason.</p> <p>11:14:15 15 MR. PIAZZA: Are you talking</p> <p>11:14:16 16 about Walker Regional?</p> <p>11:14:17 17 A. Yeah. Most of the time on</p> <p>11:14:21 18 fractures, they just put you a little</p> <p>11:14:24 19 splint on there you can take off or put</p> <p>11:14:26 20 back on.</p> <p>11:14:30 21 MR. PIAZZA: Gary, what was your</p> <p>11:14:32 22 question?</p> <p>11:14:34 23 MR. WILLFORD: At this point,</p>

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65	<p>11:14:35 1 I'm moving on.</p> <p>11:14:37 2 MR. PIAZZA: Try to listen to</p> <p>11:14:38 3 his question and just answer his question,</p> <p>11:14:40 4 okay?</p> <p>11:14:41 5 Q. Now, I think it was your earlier</p> <p>11:14:43 6 testimony that it was Dr. Tai who</p> <p>11:14:46 7 prescribed the Prozac for you, correct?</p> <p>11:14:49 8 A. Correct.</p> <p>11:14:50 9 Q. Okay. And was he the one that</p> <p>11:14:59 10 gave you the Xanax, too, or was that Dr.</p> <p>11:15:04 11 Miller? I'm trying to read my own notes</p> <p>11:15:07 12 here. Who gave you the Xanax originally?</p> <p>11:15:09 13 A. Dr. Miller wrote me out five</p> <p>11:15:13 14 milligram Xanax. He don't like writing out</p> <p>11:15:18 15 no narcotics.</p> <p>11:15:19 16 Q. I understand. I think you just</p> <p>11:15:20 17 answered my question. Dr. Miller was the</p> <p>11:15:22 18 one that prescribed you Xanax?</p> <p>11:15:24 19 A. Yeah, he's solving that problem,</p> <p>11:15:30 20 because he's got the license to solve that</p> <p>11:15:32 21 problem with.</p> <p>11:15:33 22 Q. And Dr. Tai is the one who has</p> <p>11:15:35 23 prescribed you the Prozac?</p>	67	<p>11:28:44 1 about this criminal case involving an</p> <p>11:28:49 2 allegation that you went over to Deputy</p> <p>11:28:52 3 Ingle's house, correct?</p> <p>11:28:55 4 A. Wrong.</p> <p>11:28:57 5 MR. PIAZZA: What he's referring</p> <p>11:28:59 6 to --</p> <p>11:29:00 7 Q. The allegations in Plaintiff's</p> <p>11:29:05 8 Exhibit 37, 38 and 73 is that you went to</p> <p>11:29:08 9 Deputy Ingle's house; is that right?</p> <p>11:29:11 10 That's what they alleged?</p> <p>11:29:12 11 A. I went by his house, past his</p> <p>11:29:15 12 house on.</p> <p>11:29:16 13 MR. PIAZZA: Listen to the</p> <p>11:29:17 14 question. He said alleged.</p> <p>11:29:19 15 A. I ain't pulled in his driveway.</p> <p>11:29:22 16 I ain't got no reason to pull in his</p> <p>11:29:25 17 driveway. I ain't got no reason to talk to</p> <p>11:29:28 18 him. I don't want to talk to him.</p> <p>11:29:29 19 MR. PIAZZA: Listen to his</p> <p>11:29:30 20 question. He said that's what they were</p> <p>11:29:32 21 alleging.</p> <p>11:29:33 22 Q. They claim that you went to his</p> <p>11:29:36 23 house?</p>
66	<p>11:15:37 1 A. Yes, sir.</p> <p>11:15:50 2 MR. WILLFORD: All right. I've</p> <p>11:15:50 3 got a couple of other questions, but before</p> <p>11:15:52 4 I get into these, these questions, Anthony,</p> <p>11:15:55 5 are being asked subject to my previous</p> <p>11:15:57 6 objection related to Defendant's (sic) --</p> <p>11:16:04 7 what is this 37, 38 and 73?</p> <p>11:16:06 8 MR. PIAZZA: Can we take a small</p> <p>11:16:08 9 break?</p> <p>11:16:10 10 MR. WILLFORD: Sure.</p> <p>11:16:10 11</p> <p>11:16:10 12 (Whereupon, a brief recess was</p> <p>11:16:10 13 taken.)</p> <p>11:16:10 14</p> <p>11:28:24 15 MR. WILLFORD: Before we went on</p> <p>11:28:26 16 break, as I was saying, this is subject to</p> <p>11:28:28 17 our previous objection, because this is the</p> <p>11:28:29 18 only chance I'm going to get to talk to Mr.</p> <p>11:28:32 19 Burch in a deposition. I'm going to ask</p> <p>11:28:35 20 these questions subject, frankly, to my own</p> <p>11:28:37 21 objection, and if it's sustained, then we</p> <p>11:28:39 22 won't worry about these questions.</p> <p>11:28:41 23 Q. But Mr. Burch, you were asked</p>	68	<p>11:29:36 1 A. That ain't the first lie he's</p> <p>11:29:38 2 ever told.</p> <p>11:29:38 3 Q. Mr. Burch, listen to my</p> <p>11:29:39 4 question. They said that you went to his</p> <p>11:29:41 5 house, right?</p> <p>11:29:41 6 A. That's what they said. Lie.</p> <p>11:29:43 7 Q. Okay.</p> <p>11:29:45 8 A. That's a lie.</p> <p>11:29:46 9 MR. PIAZZA: Just answer his</p> <p>11:29:47 10 question.</p> <p>11:29:47 11 Q. And you've already started</p> <p>11:29:49 12 answering my follow-up questions. You're</p> <p>11:29:51 13 saying you drove by his house; is that</p> <p>11:29:52 14 right?</p> <p>11:29:52 15 A. I was on my way to Nauvoo to get</p> <p>11:29:55 16 me a barbecue.</p> <p>11:29:56 17 Q. Did you have a gun in the car at</p> <p>11:29:58 18 the time?</p> <p>11:29:58 19 A. Nope.</p> <p>11:29:59 20 Q. Do you own a gun?</p> <p>11:30:00 21 A. I do own a shotgun and a</p> <p>11:30:05 22 twenty-two rifle, but they don't go</p> <p>11:30:07 23 nowhere. They stay at the house, and they</p>

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69	<p>11:30:09 1 ain't never been in the car except for one</p> <p>11:30:13 2 time. That's when they went in the trunk</p> <p>11:30:20 3 until I got home. They ain't never left</p> <p>11:30:20 4 the driveway. I live out there in the</p> <p>11:30:23 5 woods, and folks live out there in the</p> <p>11:30:25 6 woods, you need to have you something out</p> <p>11:30:27 7 there to kind of protect yourself with if</p> <p>11:30:30 8 you have to.</p> <p>11:30:30 9 Q. But you did go past Deputy</p> <p>11:30:33 10 Ingle's house, you're admitting that,</p> <p>11:30:35 11 correct?</p> <p>11:30:35 12 A. Correct, and there was no gun in</p> <p>11:30:37 13 my car.</p> <p>11:30:39 14 MR. WILLFORD: All right.</p> <p>11:30:40 15 That's all I have.</p> <p>11:30:40 16</p> <p>11:30:40 17 RE-EXAMINATION</p> <p>11:30:40 18 BY MR. PIAZZA:</p> <p>11:30:42 19 Q. There was one thing I wanted to</p> <p>11:30:43 20 correct. He testified awhile ago that --</p> <p>11:30:47 21 Daryl Atkin, is that his name?</p> <p>11:30:51 22 A. There it is right there.</p> <p>11:30:53 23 Q. I believe you testified that he</p>	71	<p>11:32:06 1 police or just anybody else.</p> <p>11:32:08 2 Q. Let me put it another way. Do</p> <p>11:32:12 3 you know who gave Deputy -- he's a deputy,</p> <p>11:32:16 4 I assume; is that correct?</p> <p>11:32:17 5 A. Was.</p> <p>11:32:18 6 Q. Daryl Atkin is a deputy?</p> <p>11:32:20 7 A. Yeah, he's still with them.</p> <p>11:32:22 8 Q. Do you know what information --</p> <p>11:32:26 9 have you ever seen a copy of the report?</p> <p>11:32:28 10 A. I believe I did. I believe it</p> <p>11:32:32 11 was --</p> <p>11:32:32 12 Q. Did your attorney have one in</p> <p>11:32:34 13 court?</p> <p>11:32:34 14 A. I believe I sent you a copy of</p> <p>11:32:36 15 it.</p> <p>11:32:37 16 Q. All right. Do you remember if</p> <p>11:32:41 17 the name of Sam Nelson appeared on the</p> <p>11:32:44 18 report anywhere?</p> <p>11:32:45 19 A. Yeah.</p> <p>11:32:47 20 Q. What was his name?</p> <p>11:32:49 21 A. On that criminal mischief</p> <p>11:32:54 22 trespassing thing, yeah.</p> <p>11:32:55 23 Q. Is that what was on the actual</p>
70	<p>11:30:55 1 was --</p> <p>11:30:55 2 A. That's his buddy.</p> <p>11:30:56 3 Q. You testified that he was the</p> <p>11:30:58 4 one that gave the false statement, but you</p> <p>11:31:03 5 were --</p> <p>11:31:03 6 A. Police report. He filled out</p> <p>11:31:05 7 the police report.</p> <p>11:31:05 8 Q. He filled out the police report?</p> <p>11:31:07 9 A. Daryl Atkin filled out a police</p> <p>11:31:17 10 report for Derane Ingle where Derane Ingle</p> <p>11:31:24 11 -- that's his buddy. Daryl Atkin is his</p> <p>11:31:28 12 buddy. He had his buddy to fill out a</p> <p>11:31:31 13 false police complaint to get that warrant.</p> <p>11:31:36 14 Q. All right. Who gave him the</p> <p>11:31:40 15 information to put on the report?</p> <p>11:31:44 16 MR. WILLFORD: Object to the</p> <p>11:31:44 17 form.</p> <p>11:31:46 18 A. Derane must have told him, told</p> <p>11:31:52 19 him what -- you know, just like if -- I'm</p> <p>11:31:54 20 trying to say anybody has got a right if</p> <p>11:31:58 21 somebody gets treated wrong, ain't you got</p> <p>11:32:01 22 the right to get a police report made out</p> <p>11:32:03 23 on whoever it is? I don't care if it's a</p>	72	<p>11:32:58 1 incident report?</p> <p>11:32:59 2 A. Yeah. His father-in-law.</p> <p>11:33:02 3 Q. So Sam Nelson is Derane Ingle's</p> <p>11:33:05 4 father-in-law?</p> <p>11:33:06 5 A. Yes, sir.</p> <p>11:33:07 6 Q. Was his name listed on the</p> <p>11:33:10 7 report as a victim?</p> <p>11:33:13 8 A. Not as a victim.</p> <p>11:33:16 9 Q. Or the reporting person?</p> <p>11:33:19 10 A. His name was on there because he</p> <p>11:33:23 11 -- Derane got his father-in-law to go get a</p> <p>11:33:34 12 police report filled out on me for that</p> <p>11:33:36 13 criminal mischief crap over getting me a</p> <p>11:33:40 14 barbecue sandwich. But he got his</p> <p>11:33:43 15 father-in-law to fill out the police report</p> <p>11:33:47 16 where he could get a warrant and the next</p> <p>11:33:59 17 morning two deputies come and got me. I</p> <p>11:33:59 18 didn't have no problem with them.</p> <p>11:33:59 19 MR. PIAZZA: That's all.</p> <p>11:33:59 20 MR. WILLFORD: Nothing further.</p> <p>11:34:00 21 THE WITNESS: But I ain't been</p> <p>11:34:01 22 on his property and he ain't got nothing I</p> <p>11:34:03 23 need.</p>

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<p>73</p> <p>11:34:03 1 MR. PLAZZA: Nothing further.</p> <p>11:34:05 2 All right. He's done with you. We're done</p> <p>11:34:07 3 with you.</p> <p>4</p> <p>5 FURTHER DEPONENT SAITH NOT</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	
<p>74</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA)</p> <p>4 JEFFERSON COUNTY)</p> <p>5</p> <p>6 I HEREBY CERTIFY that the</p> <p>7 above and foregoing transcript was taken</p> <p>8 down by me in stenotype, and the questions</p> <p>9 and answers thereto were transcribed by</p> <p>10 means of computer-aided transcription, and</p> <p>11 that the foregoing represents a true and</p> <p>12 correct transcript of the testimony given</p> <p>13 by said witness.</p> <p>14 I FURTHER CERTIFY that I am</p> <p>15 neither of counsel, nor of any relation to</p> <p>16 the parties to the action, nor am I anyway</p> <p>17 interested in the result of said cause.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 TANYA D. CORNELIUS</p> <p>22 CCR No. 378</p> <p>23</p>	

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